

House File 2096 - Introduced

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A BILL FOR

1 An Act prohibiting certain health care coverage for elective
2 abortions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 249N.5, Code 2014, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* As used in this subsection,
4 "*elective abortion*" means the same as in section 514C.30.

5 *b.* Premium assistance for the purchase of covered benefits
6 under the Iowa health and wellness plan shall not be provided
7 through a qualified health plan that covers elective abortion.
8 However, an individual, organization, or employer participating
9 in a qualified health plan under the Iowa health and wellness
10 plan may purchase supplemental coverage for elective abortion
11 outside of the Iowa health and wellness plan but shall do so
12 only by purchase of separate coverage or an optional rider
13 for which a separate premium is paid by the purchaser. The
14 purchaser shall provide notice to each affected insured that
15 elective abortion will be included as separate coverage or
16 as an optional rider and that the coverage may be used by a
17 covered dependent without notice to the insured.

18 *c.* This subsection applies to the purchase of covered
19 benefits to be provided effective on or after July 1, 2014.

20 Sec. 2. NEW SECTION. 514C.30 **Elective abortion coverage —**
21 **exclusion.**

22 1. As used in this section, unless the context otherwise
23 requires, "*elective abortion*" means the intentional use or
24 prescription of any instrument, medicine, drug, or any other
25 substance or device to terminate the pregnancy of a woman known
26 to be pregnant, with an intention other than to increase the
27 probability of a live birth, to preserve the life or health
28 of a child after live birth, or to remove a dead unborn child
29 who died as the result of natural causes in utero, accidental
30 trauma, or a criminal assault on the pregnant woman. "*Elective*
31 *abortion*" does not include any of the following:

32 *a.* The use or prescription of a drug or device intended as a
33 contraceptive.

34 *b.* The intentional use of an instrument, medicine, drug, or
35 other substance or device by a physician to terminate a woman's

1 pregnancy if the woman's physical condition, in the physician's
2 reasonable medical judgment, necessitates the termination of
3 the woman's pregnancy to avert the woman's death.

4 *c.* Treatment upon a pregnant woman who is experiencing a
5 miscarriage or has been diagnosed with an ectopic pregnancy.

6 2. Notwithstanding the uniformity of treatment requirements
7 of section 514C.6, a policy, contract, or plan providing for
8 third-party payment or prepayment of health or medical expenses
9 shall exclude coverage for elective abortion.

10 3. Coverage for an elective abortion may be obtained through
11 a separate policy, contract, or plan or an optional rider for
12 which a separate premium is paid.

13 4. The provisions of this section shall apply to all of the
14 following classes of third-party payment provider contracts,
15 policies, or plans delivered, issued for delivery, continued,
16 or renewed in this state on or after July 1, 2014:

17 *a.* Individual or group accident and sickness insurance
18 providing coverage on an expense-incurred basis.

19 *b.* An individual or group hospital or medical service
20 contract issued pursuant to chapter 509, 514, or 514A.

21 *c.* An individual or group health maintenance organization
22 contract regulated under chapter 514B.

23 *d.* An individual or group Medicare supplemental policy,
24 unless coverage pursuant to such policy is preempted by federal
25 law.

26 *e.* A plan established pursuant to chapter 509A for public
27 employees.

28 5. This section shall not apply to accident-only, specified
29 disease, short-term hospital or medical, hospital confinement
30 indemnity, credit, dental, vision, long-term care, basic
31 hospital, and medical-surgical expense coverage as defined by
32 the commissioner of insurance, disability income insurance
33 coverage, coverage issued as a supplement to liability
34 insurance, workers' compensation or similar insurance, or
35 automobile medical payment insurance.

1 6. This section does not require a third-party provider
2 to provide or offer to provide an optional rider for elective
3 abortion coverage.

4 7. The commissioner of insurance shall adopt rules pursuant
5 to chapter 17A as necessary to administer this section.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill prohibits certain health care coverage for
10 elective abortion.

11 The bill provides that premium assistance for the purchase
12 of covered benefits under the Iowa health and wellness plan,
13 Code chapter 249N, created pursuant to the federal Patient
14 Protection and Affordable Care Act, shall not be provided
15 through a qualified health plan that covers elective abortion.
16 However, an individual, organization, or employer participating
17 in such a plan may purchase supplemental coverage for elective
18 abortion outside of the Iowa health and wellness plan but shall
19 do so only by purchase of separate coverage or an optional
20 rider for which a separate premium has been paid by the
21 purchaser. The purchaser shall provide notice to each affected
22 insured that elective abortion will be included as a separate
23 coverage or as an optional rider and that the coverage may be
24 used by a covered dependent without notice to the insured.
25 This provision applies to the purchase of covered benefits to
26 be provided effective on or after July 1, 2014.

27 The bill also requires a policy, contract, or plan providing
28 for third-party payment or prepayment of health or medical
29 expenses to exclude coverage for elective abortions. However,
30 coverage for an elective abortion may be obtained through
31 purchase of a separate policy, contract, or plan or an optional
32 rider for which a separate premium is paid.

33 This portion of the bill is applicable to individual and
34 group third-party payment provider contracts, policies, or
35 plans issued for delivery, continued, or renewed in this state

1 on or after July 1, 2014. This portion of the bill does not
2 apply to specified types of insurance. The commissioner of
3 insurance is required to adopt rules as necessary to administer
4 this portion of the bill.

5 The bill defines elective abortion for the Iowa health and
6 wellness plan and third-party payment provider provisions of
7 the bill.